App F IX 4]

Preserve ✓

WD2239 B490

Previous References (1924 Mcl)

File No 34-24

Serial Nos 34, 34(a) & 48

Later references

Mcl 34-24-67875

Mcl 81 - 24 88 101, 15, 16, 19 20

Mcl 35-26 81 37 441

GENERAL & REVENUE SECRETARIAT

Serial Nos 3

Part B for May 25

SUBJECT

Delegation to the Mysore Improvement Trust Board power to sanction estimates not exceeding ~~Rs~~ 1000/—

G 02790-918 1/5/25

Sanctions the resolution of the Trust Board referred to

Rs 20/5/25

[R XVIII—1] 1926 (1

GENERAL AND REVENUE SECRETARIAT
Municipal

NOTES

File No 36-26

FILE HEADING

Delegation to the Mysore city Muslim Trust Board power to sanction estimates not exceeding Rs 5000

From

The Chairman C.D.T Board Mysore

No. 1497 Dated 13 3 25, Received 18 3.25

Diary No	Enclos	Spare Copies	Serial No

BRIEF ABSTRACT OF LETTER

Requests that for reasons stated, the power of sanctioning estimates not exceeding Rs 5000/- may be delegated to the Trust Board

NOTES AND ORDERS

The Trust Board is more a Govt institution, having no funds of their own but deriving the major portion of their revenue from annual grants by Government

8—First Sheet

WD 1881—GPS—30 000—1-8 21

Serial No 4

Trust Board Regulations 1903 of the Scheme should be prescribed and should obtain the sanction of the Govt. Ploughing scheme, the estimate (for any amount) relating thereto, should also be appended.

3) As such the Scheme and the estimate relating to it, should both be approved by the Govt in each and every case.

4) The present proposal of the Board therefore involves an amendment to the Regulations of 1903, the expediency for which may not commend itself to Govt. Submitted for orders

PJB 21/3/25

35 M 1588 dt 19 3 26.

The chairman of the Board

In continuation of his letter (of 34) dated 14 3.25 on the same subject requests that power may be delegated to the Board to sanction estimates not exceeding Rs 1000/- for the;

Serial No

there might be facilities for the Board to execute small bye-laws.

5) Period for orders. Under the provisions of the City of Bangalore P.O.B. 21/3/25 Drainage Regn (Secs 14 & 18) the present proposal is inadmissible

HK 23/3/1925

6) The provisions of Sections 14 & 18. seem to refer to schemes and estimates included in a general scheme. After a general scheme is sanctioned, there will be minor estimates for the carrying out of the schemes as for example construction of drains, setting back of streets, & executing some minor improvements. These are provided by the Board in the annual budget estimates of receipts and expenditure. and it is perhaps in this regard to the estimates for these items which are prepared after they are included in the budget & passed by Government that the Board seem to require delegation of power to the ~~President of the~~ Board

Serial No.

purchasing estimates up to Rs 1000/- on the analogy of powers given to the Executive Engineers of the Provinces by the Amendment of the Act of Powers by [illegible] for March 1923.

RB

Such a delegation may perhaps be made by virtue of the rule making power reserved to Govt under Sec 38 of the City of Bijapur Improvement Regulation. It may be desired ~~to be done~~ as a matter connected with the administration of the Regulation the aspect of the case may be considered

L. L. Rees) 30/3

The case is not so simple as it appears from the recommendation of the Board

Trust Board is the creature of Regulation 7 of 1923. Under Section 14 of the Regn the Board has to draw up a detailed scheme for the improvement expansion of the various parts of the City.

Particulars regarding the acquisition of any land relaying out all or any land, draining, lighting etc are to be mentioned in the scheme (vide Section 15) Sec 16 requires the publication of the scheme & also notice to the owners of property to be acquired in executing the scheme

The scheme has to be forwarded to Govt after complying with the formalities required under Sec 16 (vide Sec 17).

(2) Under Sec 17 it is necessary for the Board to mention the full particulars of the scheme & any representations received under Sec 16 (4) etc

(3) This is evidently required for Govt to accord sanction to the scheme, for the representations made by persons to the boundaries of the scheme

NOTE–Contn Sheet

Keep here

Serial No

Having regard to the fact that the amount to be spent for the scheme has to be met jointly by Govt. & that the Govt should be satisfied that no unnecessary agony will result to the public by acquisition of land required for the improvement the Rayalcha has imposed these conditions before a scheme is sanctioned

13) Turning now to the proposal to delegate the functions of Govt to the Board to sanction estimates upto Rs 10000/- it is to be observed that the Chairman has not definitely stated that the estimates under consideration refer only to works necessary to be done to complete the General Scheme.

14) This cannot be lost sight of for the reason that the powers of executive Engineers which extend to new works as well

(vide 4 o of 12 5 1923 H B part II)

it is obviously the case that estimates for new works would be wanted to be sanctioned from time to time. This is manifest from the 17 provision that the whole cost of the scheme has to be sanctioned by Govt. When such sanction is given, it would not be open to the Chairman to sanction any estimate relating to the general scheme.

14) Hence it may fairly be assumed that the proposal relates to estimates for new works to be undertaken.

15) Now as to the merits of the proposal, questions arise whether the Govt can delegate its function to the Board

16) Under the Rayalcha Govt. have powers to judge whether the scheme proposed by the Board is beneficial to the public, in other words the Govt occupies the position of a judge between the rival claims

NOTE—Contn Sheet

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bdll

(4

the Board who represent that requisite is necessary for an improvement & any member of the public who may oppose the scheme & acquisition of any property

17) The sanction of Govt to a scheme involves the sanction of requisition of property required for the scheme

By empowering the Board to sanction any scheme costing beyond Rs 1000 the Govt are delegating to the Board the power to decide the issue in which they are interested — This seems to be contrary to the main provisions of the Regulations & no rule can be framed inconsistent with the provisions of the Regulations.

19) These considerations lead me to the conclusion that under the Regulations the Govt cannot delegate their functions to the Board

20) The proposal may not therefore be approved I may add that it may not be practicable for Govt undertake any work of improvement or expansion of the city without acquisition of land belonging to private owners. & that as Sanction of Govt is necessary to acquire the land, the Board cannot proceed with the work without obtaining sanction & without applying the provisions of Land Acquisition Regulation.

Dewan

31/

DEWAN'S OFFICE.
RECD ON 31 MAR 1925
Reg 7267
Serial No

File No

of 19

General and Revenue Secretariat

and Revenue Secretariat — Rel — File No (27) 34 — of 19 24 — (5)

Serial No.	
	23) Draft G.O. sanctioning the proposal of the Board to put up as per para 21 supra
25	
7575	Rs 6/4/25 (2 2 Rees)
	Forwarded Put up a draft
48	No L 7790-91 R I S 25 Do Chairman to transfer sanctions the resolution of the Board referred to above

REVENUE SECRETARIAT
- 9 MAY 1925
LEGAL CELL DEPT. BRANCH

No. 1497

Gen 2wo

OFFICE OF THE CHAIRMAN,
CITY IMPROVEMENT TRUST BOARD, MYSORE

Dated 13th March. 1925

GENERAL & REVENUE SECRETARIAT
5885
18 MAR. 1925

FROM

N. MADHAVA RAO, ESQUIRE, B A, B L
Chairman, City Improvement Trust Board,
Mysore

GENL & R BR
15 MAR 1925
SECTION

To

B Nagappa, Esquire., Bar-at-Law ,
Secretary to Government of His Highness the
Maharaja of Mysore, Local and Legislative
Departments

SIR,

Rl 34-24-34

Re power to sanction estimates not exceeding Rs 500/-

In forwarding herewith a copy of Comptroller's No 1470/W AD.I dated 5th June 1924 raising objections to the Board sanctioning minor estimates on the ground that the powers of the Chairman in respect of sanctions to estimates are not defined in the Mysore City Improvement Regulation No III of 1903, I have the honor to state that many minor estimates for works, that are to be urgently carried out during the course of improvements to the City are being prepared frequently as necessity arises, and sanction of Government will have to be sought for every one of them which would entail unnecessary delay and correspondance

2 Government in their revised Order No P W 551-73/E 6615-37 dated 12th March 1923 have delegated certain enhanced powers to Executive Engineers of P W Divisions, among which they are empowered to sanction original estimates to the extent of Rs 1,000/- in each case

3 To facilitate prompt despatch of work and to save labor and time I would request that you will be so good as to move the Government to delegate to the Board the power of sanctioning estimates atleast not exceeding Rs 500/- in each case This is also recommended by the Special Auditor Mr B S Raghavendra Rao in his recent inspection of the Trust Board Accounts.

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4 A copy of the Boards Resolution No III dated 20th February 1925 on the subject is submitted for reference

I have the honor to be,

Sir,

Your most obedient servant,

Chairman

Proceedings of the 9th Ordinary meeting of the Board of Trustees for the Improvement of the City of Mysore held at the Chairman's office on Friday the 20th February 1925 at 8.30 A.M.

Present.

N.Madhava Rao, Esquire. B.A., B.L., Chairman.

1. Amin-Ul-Mulk Mirza Mahomed Yusuf, Esq., B.A., C.B.E. O.I.E.,
2. Dr. Mahomed Usman., M.B.
3. M.C. Srinivasa Pillpet, Esquire., L.M.S., L.A., Ex.,
4. Thiruvekere Basavaraja Urs, Esquire
5. Mahomed Sait, Esquire.,
6. Tippu Sultan Alikhan, Esq.,
7. K.Ch.....ichetty, Esq

III Government Order No 5251-52/M1 34-24-20 dated 22nd January 1925 sanctioning an estimate for Rs 182/- for constructing [illegible] drain to the east of the Sanskrit College on the Sayaji Rao road and a supplemental estimate for Rs 87 for the same

Recorded, with the observation that Government may be requested to delegate to the Board the power of sanctioning estimates not exceeding Rs 500

x x

Sd N Madhava Rao,

"Copy" Chairman

N Madhava Rao

Chairman

(9

Copy of letter No WAD I 1470 dated 5th June 1924 from the Comptroller of Mysore, to the Chairman, City Improvement Trust Board, Mysore

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With reference to your letters Nos 1309 and 1429 dated 1st May 1924 and 16th May 1924 respectively forwarding two lists of estimates sanctioned by the Board for sundry works for the year 1922-1923 and during August 1923, I have the honor to enquire why there has been now a change of procedure in sanctioning estimates.

2 All estimates were sanctioned hitherto by Government and communicated to this office This is the first instance in which estimates sanctioned by the Board are communicated direct to this office without reference to Government The Powers of the Chairman in respect of sanction to estimates are not defined in the Mysore City Improvement Regulation No III of 1903

3 Under the above circumstances it is requested that the authority under which the above estimates were not subjected to sanction of Government may be kindly intimated Pending reply sanctions to estimates have not been accepted

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Chairman

JG - 24 — 36

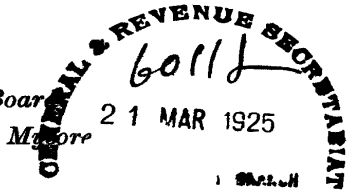
No 1578

OFFICE OF THE CHAIRMAN,
CITY IMPROVEMENT TRUST BOARD, MYSORE

Dated 12th March *192* 5

FROM

N. MADHAVA RAO, ESQUIRE, B A, B L
Chairman, City Improvement Trust Board
Mysore



B Nagappa, Esquire , Bar-at-Law ,
Secretary to the Government of His Highness
the Maharaja of Mysore Local and Legislative
Departments

In continuation of this office letter No 1497 dated 14th March 1925 applying for the delegation to the Board of the power to sanction estimates not exceeding Rs 500 in each case, I have the honor to state on further consideration of the subject, that much useful purpose will not be served, unless the power of sanction is enhanced to Rs.1,000. in as much as there will be very few estimates below Rs 500 to be worked out by the Board The Trustees also, while passing the Resolution on 20th February 1925 referred to in the said letter were of the opinion that the power of sanction should be at least Rs 1,000, but it was suggested that the limit of such sanction might be only Rs 500 to start with I request you therefore to be so good as to obtain the sanction of Government to delegate to the Board powers to sanction estimates not exceeding Rs 1,000 in each case, so that there might be sufficient facilities for the Board to execute small urgent works If the proposal commends itself to Governmentalist of works sanctioned under this authority will be sent to Government from time to time for formal approval

I have the honor to be
Sir,
Your most obedient servant

N Madhava Rao

Chairman

(A

G.R. S VI G 34

SUBJECT .....

.....

.....

of letter replied to.. 6.2.11

Section 2nd
File No 34 24
Serial No 48

General and Revenue Secretariat

(289)

, the *192*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 1 5 25

Signed by Mr. D. X. S Dyer

Read—

Correspondence ending letter no 1561 dated 14 3 25 from the chairman city Improvement Trust Board, Mysore applying to the Resolution of the Board, That the power of sanctioning estimates not exceeding Rs 1000/- in each case may be delegated to them

Order Thereon No L 7790 91

Govt are pleased to direct that in respect of the works comprised in the Scheme referred to in Section 1 of the city of Mysore Improvement

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

29/4

Regulation 14 of 1903 and
in the Budget (Section 30)
of the Regulations, the Board
may sanction ~~to~~ the
estimates for which do
not exceed Rs 1000/-
in ~~all cases~~
[illegible]
[illegible]

BOB
6/4/25 FSC Secretary.
6/4/25
The Chairman C.S.T. ~~Rly~~
Railway
& comptroller

List of enclosures:

Copied by

Examined by

WD 1888—GPB—1,000,00—[illegible]